

SENATE JOURNAL

STATE OF ILLINOIS

NINETY-SECOND GENERAL ASSEMBLY

99TH LEGISLATIVE DAY
Perfunctory Session

THURSDAY, MAY 16, 2002

2:03 O'CLOCK P.M.

No. 99
[May 16, 2002]

The Senate met pursuant to adjournment.
 Pursuant to Senate Rule 2-5(c)2 the Secretary of the Senate
 conducted the perfunctory session.
 Silent prayer was observed.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

A message from the House by
 Mr. Rossi, Clerk:
 Mr. President -- I am directed to inform the Senate that the
 House of Representatives has concurred with the Senate in the passage
 of a bill of the following title, to-wit:

SENATE BILL NO. 2024

A bill for AN ACT in relation to criminal law.

Together with the following amendments which are attached, in the
 adoption of which I am instructed to ask the concurrence of the
 Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2024
 House Amendment No. 2 to SENATE BILL NO. 2024

Passed the House, as amended, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2024

AMENDMENT NO. 1. Amend Senate Bill 2024 as follows:
 by replacing everything after the enacting clause with the following:
 "Section 5. The Unified Code of Corrections is amended by
 changing Section 5-4-3 as follows:

(730 ILCS 5/5-4-3) (from Ch. 38, par. 1005-4-3)

Sec. 5-4-3. Persons convicted of, or found delinquent for,
certain ~~qualifying~~ offenses or institutionalized as sexually
 dangerous; ~~blood~~ specimens; genetic marker groups.

(a) Any person convicted of, found guilty under the Juvenile
 Court Act of 1987 for, or who received a disposition of court
 supervision for, a qualifying offense or attempt of a qualifying
 offense, convicted or found guilty of any offense classified as a
felony under Illinois law, found guilty or given supervision for any
offense classified as a felony under the Juvenile Court Act of 1987,
 or institutionalized as a sexually dangerous person under the
 Sexually Dangerous Persons Act, or committed as a sexually violent
 person under the Sexually Violent Persons Commitment Act shall,
 regardless of the sentence or disposition imposed, be required to
 submit specimens of blood, saliva, or tissue to the Illinois
 Department of State Police in accordance with the provisions of this
 Section, provided such person is:

(1) convicted of a qualifying offense or attempt of a
 qualifying offense on or after the effective date of this
 amendatory Act of 1989, and sentenced to a term of imprisonment,
 periodic imprisonment, fine, probation, conditional discharge or
 any other form of sentence, or given a disposition of court
 supervision for the offense, or

(1.5) found guilty or given supervision under the Juvenile
 Court Act of 1987 for a qualifying offense or attempt of a
 qualifying offense on or after the effective date of this
 amendatory Act of 1996, or

(2) ordered institutionalized as a sexually dangerous
 person on or after the effective date of this amendatory Act of

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1989, or

(3) convicted of a qualifying offense or attempt of a qualifying offense before the effective date of this amendatory Act of 1989 and is presently confined as a result of such conviction in any State correctional facility or county jail or is presently serving a sentence of probation, conditional discharge or periodic imprisonment as a result of such conviction, or

(3.5) convicted or found guilty of any offense classified as a felony under Illinois law or found guilty or given supervision for such an offense under the Juvenile Court Act of 1987, or

(4) presently institutionalized as a sexually dangerous person or presently institutionalized as a person found guilty but mentally ill of a sexual offense or attempt to commit a sexual offense; or

(4.5) ordered committed as a sexually violent person on or after the effective date of the Sexually Violent Persons Commitment Act; or

(5) seeking transfer to or residency in Illinois under Sections 3-3-11 through 3-3-11.5 of the Unified Code of Corrections (Interstate Compact for the Supervision of Parolees and Probationers) or the Interstate Agreements on Sexually Dangerous Persons Act.

Notwithstanding other provisions of this Section, any person incarcerated in a facility of the Illinois Department of Corrections on or after the effective date of this amendatory Act of the 92nd General Assembly shall be required to submit a specimen of blood, saliva, or tissue prior to his or her release on parole or mandatory supervised release, as a condition of his or her parole or mandatory supervised release.

(a-5) Any person who was otherwise convicted of or received a disposition of court supervision for any other offense under the Criminal Code of 1961 ~~or any offense classified as a felony under Illinois law~~ or who was found guilty or given supervision for such a violation under the Juvenile Court Act of 1987, may, regardless of the sentence imposed, be required by an order of the court to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police in accordance with the provisions of this Section.

(b) Any person required by paragraphs (a)(1), (a)(1.5), (a)(2), (a)(3.5), and (a-5) to provide specimens of blood, saliva, or tissue shall provide specimens of blood, saliva, or tissue within 45 days after sentencing or disposition at a collection site designated by the Illinois Department of State Police.

(c) Any person required by paragraphs (a)(3), (a)(4), and (a)(4.5) to provide specimens of blood, saliva, or tissue shall be required to provide such samples prior to final discharge, parole, or release at a collection site designated by the Illinois Department of State Police.

(c-5) Any person required by paragraph (a)(5) to provide specimens of blood, saliva, or tissue shall, where feasible, be required to provide the specimens before being accepted for conditioned residency in Illinois under the interstate compact or agreement, but no later than 45 days after arrival in this State.

(c-6) The Illinois Department of State Police may determine which type of specimen or specimens, blood, saliva, or tissue, is acceptable for submission to the Division of Forensic Services for analysis.

(d) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of blood

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samples. The collection of samples shall be performed in a medically approved manner. Only a physician authorized to practice medicine, a registered nurse or other qualified person trained in venipuncture may withdraw blood for the purposes of this Act. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-1) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of saliva samples. The collection of saliva samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting saliva may collect saliva for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(d-2) The Illinois Department of State Police shall provide all equipment and instructions necessary for the collection of tissue samples. The collection of tissue samples shall be performed in a medically approved manner. Only a person trained in the instructions promulgated by the Illinois State Police on collecting tissue may collect tissue for the purposes of this Section. The samples shall thereafter be forwarded to the Illinois Department of State Police, Division of Forensic Services, for analysis and categorizing into genetic marker groupings.

(e) The genetic marker groupings shall be maintained by the Illinois Department of State Police, Division of Forensic Services.

(f) The genetic marker grouping analysis information obtained pursuant to this Act shall be confidential and shall be released only to peace officers of the United States, of other states or territories, of the insular possessions of the United States, of foreign countries duly authorized to receive the same, to all peace officers of the State of Illinois and to all prosecutorial agencies. The genetic marker grouping analysis information obtained pursuant to this Act shall be used only for valid law enforcement identification purposes and as required by the Federal Bureau of Investigation for participation in the National DNA database. Notwithstanding any other statutory provision to the contrary, all information obtained under this Section shall be maintained in a single State data base, which may be uploaded into a national database, and which information may not be subject to expungement only as set forth in subsection (f-1).

(f-1) Upon receipt of notification of a reversal of a conviction based on actual innocence, or of the granting of a pardon pursuant to Section 12 of Article V of the Illinois Constitution, if that pardon document specifically states that the reason for the pardon is the actual innocence of an individual whose DNA record has been stored in the State or national DNA identification index in accordance with this Section by the Illinois Department of State Police, the DNA record shall be expunged from the DNA identification index, and the Department shall by rule prescribe procedures to ensure that the record and any samples, analyses, or other documents relating to such record, whether in the possession of the Department or any law enforcement or police agency, or any forensic DNA laboratory, including any duplicates or copies thereof, are destroyed and a letter is sent to the court verifying the expungement is completed.

(f-5) Any person who intentionally uses genetic marker grouping analysis information, or any other information derived from a DNA sample, beyond the authorized uses as provided under this Section, or any other Illinois law, is guilty of a Class 4 felony, and shall be subject to a fine of not less than \$5,000.

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(g) For the purposes of this Section, "qualifying offense" means any of the following:

(1) Any violation or inchoate violation of Section 11-6, 11-9.1, 11-11, ~~11-15.1, 11-17.1, 11-18.1, or 11-19.1, 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15, 12-16, or 12-33~~ of the Criminal Code of 1961, or

(1.1) Any violation or inchoate violation of Section 9-1, 9-2, 10-1, 10-2, 12-11, 12-11.1, 18-1, 18-2, 18-3, 18-4, 19-1, or 19-2 of the Criminal Code of 1961 for which persons are convicted on or after July 1, 2001, or

(2) Any former statute of this State which defined a felony sexual offense, or

(3) ~~(Blank), or Any violation of paragraph (10) of subsection (b) of Section 10-5 of the Criminal Code of 1961 when the sentencing court, upon a motion by the State's Attorney or Attorney General, makes a finding that the child luring involved an intent to commit sexual penetration or sexual conduct as defined in Section 12-12 of the Criminal Code of 1961, or~~

(4) Any violation or inchoate violation of Section 9-3.1, 11-9.3, 12-3.3, 12-4.2, 12-4.3, 12-7.3, ~~or 12-7.4, 18-5, 19-3, 20-1.1, or 20-5-5~~ of the Criminal Code of 1961.

(g-5) ~~(Blank). The Department of State Police is not required to provide equipment to collect or to accept or process blood specimens from individuals convicted of any offense listed in paragraph (1.1) or (4) of subsection (g), until acquisition of the resources necessary to process such blood specimens, or in the case of paragraph (1.1) of subsection (g) until July 1, 2003, whichever is earlier.~~

~~Upon acquisition of necessary resources, including an appropriation for the purpose of implementing this amendatory Act of the 91st General Assembly, but in the case of paragraph (1.1) of subsection (g) no later than July 1, 2003, the Department of State Police shall notify the Department of Corrections, the Administrative Office of the Illinois Courts, and any other entity deemed appropriate by the Department of State Police, to begin blood specimen collection from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g) that the Department is prepared to provide collection equipment and receive and process blood specimens from individuals convicted of offenses enumerated in paragraph (1.1) of subsection (g).~~

~~Until the Department of State Police provides notification, designated collection agencies are not required to collect blood specimen from individuals convicted of offenses enumerated in paragraphs (1.1) and (4) of subsection (g)."~~

(h) The Illinois Department of State Police shall be the State central repository for all genetic marker grouping analysis information obtained pursuant to this Act. The Illinois Department of State Police may promulgate rules for the form and manner of the collection of blood, saliva, or tissue samples and other procedures for the operation of this Act. The provisions of the Administrative Review Law shall apply to all actions taken under the rules so promulgated.

(i) A person required to provide a blood, saliva, or tissue specimen shall cooperate with the collection of the specimen and any deliberate act by that person intended to impede, delay or stop the collection of the blood, saliva, or tissue specimen is a Class A misdemeanor.

(j) Any person required by subsection (a) to submit specimens of blood, saliva, or tissue to the Illinois Department of State Police for analysis and categorization into genetic marker grouping, in

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addition to any other disposition, penalty, or fine imposed, shall pay an analysis fee of \$200 \$500. If the analysis fee is not paid at the time of sentencing, the court shall establish a fee schedule by which the entire amount of the analysis fee shall be paid in full, such schedule not to exceed 24 months from the time of conviction. The inability to pay this analysis fee shall not be the sole ground to incarcerate the person. Upon verified petition of the person, the court may suspend payment of all or part of the fee if it finds that the person does not have the ability to pay the fee.

(k) All analysis and categorization fees provided for by subsection (j) shall be regulated as follows:

(1) The State Offender DNA Identification System Fund is hereby created as a special fund in the State Treasury.

(2) All fees shall be collected by the clerk of the court and forwarded to the State Offender DNA Identification System Fund for deposit. The clerk of the circuit court may retain the amount of \$10 from each collected analysis fee to offset administrative costs incurred in carrying out the clerk's responsibilities under this Section.

(3) Fees deposited into the State Offender DNA Identification System Fund shall be used by Illinois State Police crime laboratories as designated by the Director of State Police. These funds shall be in addition to any allocations made pursuant to existing laws and shall be designated for the exclusive use of State crime laboratories. These uses may include, but are not limited to, the following:

(A) Costs incurred in providing analysis and genetic marker categorization as required by subsection (d).

(B) Costs incurred in maintaining genetic marker groupings as required by subsection (e).

(C) Costs incurred in the purchase and maintenance of equipment for use in performing analyses.

(D) Costs incurred in continuing research and development of new techniques for analysis and genetic marker categorization.

(E) Costs incurred in continuing education, training, and professional development of forensic scientists regularly employed by these laboratories.

(1) The failure of a person to provide a specimen, or of any person or agency to collect a specimen, within the 45 day period shall in no way alter the obligation of the person to submit such specimen, or the authority of the Illinois Department of State Police or persons designated by the Department to collect the specimen, or the authority of the Illinois Department of State Police to accept, analyze and maintain the specimen or to maintain or upload results of genetic marker grouping analysis information into a State or national database.

(Source: P.A. 91-528, eff. 1-1-00; 92-16, eff. 6-28-01; 92-40, eff. 6-29-01.)

Section 99. Effective date. This Act takes effect upon becoming law."

AMENDMENT NO. 2 TO SENATE BILL 2024

AMENDMENT NO. 2. Amend Senate Bill 2024, AS AMENDED, with reference to the page and line numbers of House Amendment No. 1, on page 2, line 28, by inserting after "1987" the following:

"on or after the effective date of this amendatory Act of the 92nd General Assembly"; and

on page 5, line 19, by inserting "(i)" after "for"; and

on page 5, line 22, by inserting after "database" the following:

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"or (ii) technology validation purposes"; and
 on page 6, line 19, by deleting "or"; and
 on page 6, line 20, by replacing "~~12-15~~," with "12-15, or".

Under the rules, the foregoing Senate Bill No. 2024, with House Amendments numbered 1 and 2, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the passage of a bill of the following title, to-wit:

SENATE BILL NO. 2235

A bill for AN ACT concerning energy.

Together with the following amendments which are attached, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

House Amendment No. 1 to SENATE BILL NO. 2235

House Amendment No. 2 to SENATE BILL NO. 2235

House Amendment No. 3 to SENATE BILL NO. 2235

Passed the House, as amended, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

AMENDMENT NO. 1 TO SENATE BILL 2235

AMENDMENT NO. 1. Amend Senate Bill 2235 on page 3, line 16 by changing "17" to "20"; and
 on page 4, line 15 by deleting "and"; and
 on page 4, line 17 by changing "." to "; and"; and
 on page 4, by inserting after line 17 the following:

"(14) three members designated by the Mayor of the City of Chicago."

AMENDMENT NO. 2 TO SENATE BILL 2235

AMENDMENT NO. 2. Amend Senate Bill 2235 on page 1, line 15, by changing "have access to receive" to "receive"; and
 on page 2, lines 4 and 5, by changing "assist ensure-that citizens to obtain have" to "ensure that citizens have"; and
 on page 2, line 21, by changing "promote ensure" to "ensure"; and
 by deleting lines 33 and 34 on page 16 and lines 1 and 2 on page 17.

AMENDMENT NO. 3 TO SENATE BILL 2235

AMENDMENT NO. 3. Amend Senate Bill 2235, AS AMENDED, in Section 5, Sec. 13, by inserting after the second paragraph of subsection (k) the following:

"This Section is repealed effective December 31, 2007 unless renewed by action of the General Assembly. The General Assembly shall consider the results of the evaluations described in Section 8 in its deliberations."

Under the rules, the foregoing Senate Bill No. 2235, with House Amendments numbered 1, 2 and 3, was referred to the Secretary's Desk.

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

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SENATE JOINT RESOLUTION NO. 78

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of the following joint resolution, to-wit:

SENATE JOINT RESOLUTION NO. 80

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3210

A bill for AN ACT in relation to vehicles.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3210.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 3812

A bill for AN ACT concerning townships.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3812.

Senate Amendment No. 2 to HOUSE BILL NO. 3812.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 3938

A bill for AN ACT concerning schools.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 3938.

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Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4371

A bill for AN ACT relating to insurance.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4371.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 4407

A bill for AN ACT relating to motor vehicles.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4407.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 4926

A bill for AN ACT in relation to criminal law.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 4926.

Senate Amendment No. 2 to HOUSE BILL NO. 4926.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5255

A bill for AN ACT regarding vehicles.

Which amendment is as follows:

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Senate Amendment No. 1 to HOUSE BILL NO. 5255.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 5343

A bill for AN ACT relating to education.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5343.

Senate Amendment No. 2 to HOUSE BILL NO. 5343.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendment to a bill of the following title, to-wit:

HOUSE BILL 5578

A bill for AN ACT in relation to criminal offenses.

Which amendment is as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5578.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 5625

A bill for AN ACT concerning animals.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5625.

Senate Amendment No. 2 to HOUSE BILL NO. 5625.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

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HOUSE BILL 5844

A bill for AN ACT in relation to health.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5844.

Senate Amendment No. 2 to HOUSE BILL NO. 5844.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

A message from the House by

Mr. Rossi, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has concurred with the Senate in the adoption of their amendments to a bill of the following title, to-wit:

HOUSE BILL 5906

A bill for AN ACT concerning health facilities.

Which amendments are as follows:

Senate Amendment No. 1 to HOUSE BILL NO. 5906.

Senate Amendment No. 2 to HOUSE BILL NO. 5906.

Concurred in by the House, May 15, 2002.

ANTHONY D. ROSSI, Clerk of the House

At the hour of 2:05 o'clock p.m., and in accordance therewith and pursuant to Senate Joint Resolution No. 80, the Senate stood adjourned until Tuesday, May 21, 2002 at 3:00 o'clock p.m.

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